

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

ALLSTATE LIFE INSURANCE COMPANY,

Plaintiff,

v.

JEFFREY STILLWELL, STILLWELL
FINANCIAL ADVISORS, LLC, and
THERESA FRANCY,

Defendant.

JEFFREY STILLWELL,

Counterclaim-Plaintiff,

v.

ALLSTATE LIFE INSURANCE COMPANY,

Counterclaim-Defendant.

Case No.: 3:15-cv-08251-AET-TJB

**JOINT MOTION FOR DISMISSAL OF
CLAIMS AND TO ENTER BRIEFING
SCHEDULE ON PLAINTIFF'S
MOTION FOR FEES AND COSTS**

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), Plaintiff/Counterclaim Defendant Allstate Life Insurance Company, on the one hand, and Defendant/Counterclaim Plaintiff Jeffrey Stillwell, and Defendants Stillwell Financial Advisors, LLC, and Theresa Francy (“Defendants”), on the other hand, by and through their respective undersigned counsel, hereby stipulate and agree that:

1. Allstate Life Insurance Company voluntarily dismisses Count V of its Amended Complaint, with prejudice;

2. Jeffrey Stillwell voluntarily dismisses Count II and III of his Counterclaim against Allstate Life Insurance Company, with prejudice;

3. Allstate Life Insurance Company voluntarily waives its rights to seek compensatory damages, punitive damages or any other damages against Defendants arising out of this case, other than attorneys’ fees and costs under Federal Rule of Civil Procedure 54(d).

4. Upon the dismissal of the foregoing claims, the trial scheduled for September 22, 2021, should be cancelled;

5. Plaintiff Allstate Life Insurance Company is permitted to file a Motion for Fees and Costs pursuant to Federal Rule of Civil Procedure 54(d) and Local Rules 54.1 and 54.2, with the briefing schedule as follows:

- a. Plaintiff to file Motion for Fees and Costs on or by April 22, 2021;
- b. Defendants to file opposition to Motion for Fees and Costs on or by May 28, 2021;
- c. Plaintiff to file reply to Motion for Fees and Costs on or by June 17, 2021.

WHEREFORE, Plaintiff Allstate Life Insurance Company and Defendants Jeffrey Stillwell, Stillwell Financial Advisors, LLC, and Theresa Francy respectfully request this Court grant the Motion to Dismiss Count V of the Amended Complaint, Counterclaim Counts II and III,

and grant Plaintiff Leave to file its Motion for Fees and Costs pursuant to the schedule outlined herein.

Date: March 9, 2021

Respectfully submitted,

SEYFARTH SHAW LLP

By: /s/ James S. Yu

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CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that on March 9, 2021, he electronically filed the foregoing with the Clerk of the Court using the ECF system, which will send notification to all counsel of record.

/s/ James S. Yu

James S. Yu